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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ABRAHAM-D. TOMAS; et al.,

Plaintiffs,

vs.

AEGIS MORTGAGE COMPANY; et al.,

Defendants.

CASE NO. 10-cv-2286 BEN (BLM)

ORDER DISMISSING CASE
WITHOUT PREJUDICE

On November 5, 2010, Plaintiff filed a Complaint, thereby initiating this action. The Complaint is approximately twelve pages long but does not include factual allegations. Although the Complaint includes the terms "TILA" and fraud, it fails to include any allegations relating to these concepts. Instead, the Complaint is composed of a string of legal and non-legal terms that, even when taken as a whole, do not allow this Court to determine the basis of subject matter jurisdiction.

A complaint that fails to state a basis for federal court subject matter jurisdiction may be sua sponte pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure. *See Cal. Diversified Promotions, Inc. v. Musick*, 505 F.2d 278, 280 (9th Cir. 1974) (it is well settled that a court may dismiss a complaint sua sponte for lack of jurisdiction).

Rule 12(h)(3) provides,

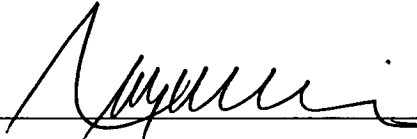
If the court determines at any time that it lacks subject-matter jurisdiction the court must dismiss the action.

Fed. R. Civ. P. 12(h)(3). After conducting an initial review of Plaintiff's Complaint, the Court finds

1 it lacks federal subject matter jurisdiction. Accordingly, this action is **DISMISSED** without prejudice
2 pursuant to Federal Rule of Civil Procedure 12(h)(3).

3 **IT IS SO ORDERED.**

4 Date: November 18, 2010


Hon. Roger T. Benitez
United States District Court Judge